

YANAGISAWA et al. -- Appln. No. 09/600,799

REMARKS

Claims 46-51, 67, 69-73, and 94-104 are pending. Claims 46, 50, 67, 70 and 72 are amended and claims 101-104 are added. Claim 93 has been cancelled. Reconsideration and allowance of the present application based on the above amendments and following remarks are respectfully requested.

Applicants appreciate the courtesies extended by Examiner Diaz to Applicants' representatives during the personal interview conducted November 18, 2004. The substance of the discussion is incorporated into the following remarks and constitutes Applicants' record of the interview.

With regard to the 35 U.S.C. § 112 rejection of claim 71, Applicants respectfully submit that the specification does disclose what is meant by "altering the amount of the charge settlement based on a duration of time until an arrival in the processing area." Specifically, claim 70, upon which claim 71 depends, recites that the charge settlement *processing* is performed in the predetermined processing area. However, the charge settlement (i.e., the amount the vehicle will be charged upon charge settlement processing) can be determined at a time prior to arrival, based, for example, on the charge calculation conditions disclosed in paragraphs 301 to 307 on pages 51 to 53 of the specification. Moreover, as disclosed in paragraph 587 on page 114 of the specification, the present invention contemplates the determination of "congestion trends" as well as "easing trends," thereby allowing the charge settlement to take into account varying traffic conditions and other delaying factors.

Applicants have cancelled claim 93, thereby rendering the 35 U.S.C. § 112 rejection to claim 93 moot.

Claim 46 recites receiving means for receiving toll data from a ground station. During the interview, the differences between claim 46 and the applied prior art were discussed. Applicants respectfully submit that the applied prior art, including Westerlage et al., do not disclose or suggest at least this feature of claim 46. Applicants respectfully submit that the mobile unit disclosed by Westerlage et al. is not a receiving means for receiving toll data from a ground station.

During the interview, Examiner Diaz stated that she would review the Westerlage et al. disclosure, but indicated that other features of the ground station may define over the combinations including Westerlage et al. New claims 101 and 102 depend from claim 46 and recite these additional features.

YANAGISAWA et al. — Appln. No. 09/600,799

Claim 50 recites that the transceiving means transmits position information to a ground station and receives charge toll data from the ground station. It is respectfully submitted that this feature is not disclosed by the applied prior art, including Westerlage et al. As also discussed, claim 50 recites that the transceiving means transmits and receives information by wireless communication. Examiner Diaz stated that it is possible that the mobile units of Westerlage et al. receive information wirelessly. However, Applicants respectfully submit that there is no disclosure or suggestion, either expressly, implicitly, or inherently, by Westerlage et al. of this feature. As discussed in MPEP § 2112, for a feature to be inherent in a prior art reference, it must necessarily flow from the reference teachings. Mere possibilities are not sufficient to establish an inherent disclosure. Furthermore, new claims 103 and 104 recite the additional features of the ground station discussed above.

Claim 67 recites the ground station is in charge of an area where a charge is applied, which is a geographical area. As discussed during the interview, Applicants respectfully submit that this feature is not disclosed or suggested by Westerlage et al. nor any of the other applied prior art.

Claim 70 recites transmitting means for transmitting the charge history of the charge information generated by the making means to a ground station in charge of the area where a charge is applied, which is a geographical area. As discussed during the interview, Applicants respectfully submit that the applied prior art, including Westerlage et al., does not disclose or suggest a ground station in charge of a geographical area.

Claim 72 recites that information of a predetermined geographical area where a charge is applied is stored in the toll card and includes toll data showing that the predetermined geographical area where a charge is applied is divided into sub-areas and a charge amount for each sub-area is set such that the closer a sub-area is to the center of the predetermined geographical area, the higher the charge amount becomes.

During the interview, Examiner Diaz's taking of Official Notice with respect to claim 72, and other claims, was discussed. Applicants' respectfully submit that the features discussed above with respect to claim 72 are not capable of instant and unquestionable demonstration as being well-known. As discussed during the interview, Applicants respectfully submit that whether the features recited in claim 72 are well-known is subject to the possibility of rational disagreement.

In accordance with MPEP § 2144.03, Applicants respectfully request that the Examiner cite documentary evidence to support the conclusion that the features of claim 72 are well-known. Applicants also respectfully request that in the other two instances in which

YANAGISAWA et al. --Appln. No. 09/600,799

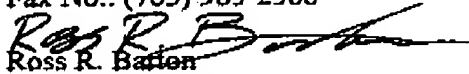
Official Notice is relied upon, the Examiner also cite documentary evidence to support the conclusion that the claimed features are in fact well known.

It is respectfully submitted that the dependent claims recite additional features of the invention and are allowable for the same reasons discussed above with respect to their respective independent claims and for the additional features recited therein.

In view of the above amendments and remarks, Applicants respectfully submit that all of the claims are allowable and that the entire application is in condition for allowance. Prompt notice to that effect is respectfully requested.

Respectfully submitted,
Pillsbury Winthrop LLP

Caroline D. Dennison
Reg. No.: 34,494
Tel. No.: (703) 905-2047
Fax No.: (703) 905-2500

John P. Darling
Reg. No.: 44,482
Tel. No.: (703) 905-2045
Fax No.: (703) 905-2500

Ross R. Barton
Reg. No.: 51,438
Tel. No.: (703) 905-2127
Fax No.: (703) 905-2500

CDD/JPD/RRB/bis

Customer Number [00909]